



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

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| PUBLIC MEETING MINUTES: | Board of Cosmetology and Barbering |
| MEETING DATE AND TIME: | Monday, September 26, 2011 at 9:00 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building |
| MINUTES APPROVED: | October 31, 2011 |

MEMBERS PRESENT

Kathryn Lord, President, Professional Member
Cecilia Jones, Vice President, Public Member
Carol Guilbert, Secretary, Public Member
Linda Wilson, Professional Member
Tien Le, Professional Member
Derrick Reed, Professional Member
Deborah Boulden, Professional Member
Jordana Naftzinger, Public Member
Lisa Aurand, Professional Member
Hillary Reid, Professional Member
Albert Niezgoda, Professional Member

MEMBERS ABSENT

Melinda Schaeffer, Professional Member
Leila Lord, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

James Collins, Director
Kay Warren, Deputy Director
Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II

OTHERS PRESENT

Vera Sitze, Court Reporter
Theresa Tucci
Jacqueline Watson
Randall Richardson
Richard Abbott
Eileen King
Jermil Johnson
Jade Ryan
Lissette Wright
Jeanette Drummond
Clarence Pearsall III

CALL TO ORDER

Ms. Lord called the meeting to order at 9:40 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Jones, seconded by Ms. Naftzinger, to approve the June 27, 2011 minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Due to Jeanette Drummond not being present to begin her hearing the hearing for Jade Ryan was heard first.

Proposal to Deny Hearing-Jade Ryan

The hearing went on record at 9:43 a.m.

Ms. Heeney introduced that this was a proposal to deny hearing for Jade Ryan for not meeting the licensure requirements for reciprocity as set forth in *Del. C. 5109(a)*. Ms. Heeney also marked as Board Exhibit 1 a packet of documents including: the application for licensure by reciprocity, copy of Maryland license, verification of Maryland license, correspondence between Ms. Ryan and the Division of Professional Regulation, Proposal to Deny letter with signed USPS green card, letter requesting hearing, and the notice of hearing with USPS green card.

The Board members were introduced.

Ms. Ryan was sworn in and agreed to proceed without legal counsel.

Ms. Ryan testified that she understands that she does not meet the requirements for licensure by reciprocity. She attended school in Maryland and while in school the laws had changed and she was not aware of the possibility that she could have to take the exam again for another state. She also stated that she had worked in the Robert

Andrews Salon for a period of two years. She stated that she had also worked in Ocean Retreat Day Spa in Lewes, DE for a period of time.

Ms. Ryan had marked as Respondent Exhibit 1 an employment reference letter from Steven & Co., her current employer in Lewes, DE.

Ms. Ryan answered questions from the Board.

Jody Ryan, mother of Ms. Ryan, was sworn in and testified on behalf of daughter that she herself was a licensed Cosmetologist in California for 25 years and then they moved to Delaware and Jade has been in a salon setting sweeping floors, etc. since she was at least 10 years old. She is a hard worker and went to a good beauty school. She was working in a salon in Lewes, DE until she had to leave that salon because they were doing unethical practices.

There were no questions from the Board for this witness.

The hearing went off record and into deliberations.

The hearing went back on record at 10:12 a.m.

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to deny the reciprocity application of Jade Ryan for not meeting the licensure requirements for reciprocity as set forth in Del. C. 5109(a). The motion was carried by Ms. Lord, Ms. Guilbert, Ms. Jones, Ms. Aurand, Ms. Reid, Ms. Wilson, Ms. Boulden, Mr. Reed, and Ms. Naftzinger. Ms. Le and Mr. Niezgoda were opposed.

The hearing went off record at 10:14 a.m.

Verbatim testimony was taken by a court reporter.

Proposal to Deny Hearing-Jeanette Drummond

The hearing went on record at 10:28 a.m.

Ms. Heeney introduced that this was a proposal to deny hearing for Jeanette Drummond for not meeting the licensure requirements as set forth in *Del. C. 5107(a)(6)*. Ms Heeney also marked as Board Exhibit 1 a packet of documents including: the application for licensure, copy of criminal record from State Bureau of Investigations, the Proposal to Deny letter with signed USPS green card, letter requesting hearing, the notice of hearing with USPS green card, an email asking that the hearing be rescheduled, notice of re-schedule of hearing and USPS green card.

The Board members were introduced.

Ms. Drummond was sworn in and agreed to proceed without legal counsel.

Ms. Drummond testified that she was a manager of a group home, Chimes, and she took care of patients' funds and paying bills, etc. She did not have the proper training or

education but was promoted due to time of service. A co-worker made a claim that she was taking money from the residents and an investigation was opened and criminal charges were brought against her. She went to court and pled guilty to exploitation and the additional charges were dropped. She is currently a bus driver for the Milford School District. She is here today to fight for her livelihood and a chance to do what she loves.

Ms. Drummond answered questions from the Board.

In closing, Ms. Drummond stated that she would love to have her Delaware license so that she does not have to commute to another state to work.

The hearing went off record and into deliberations.

The hearing went back on record at 10:45 a.m.

Ms. Drummond answered additional questions from the Board.

The hearing went off record and back into deliberations.

The hearing went back on record at 10:50 a.m.

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to schedule a continuance hearing for the October 31, 2011 meeting once Ms. Drummond provides proof that she is no longer on probation and supplies the Division with a letter of good standing from the Milford School District. The motion was unanimously carried.

The hearing went off record at 10:51 a.m.

Verbatim testimony was taken by a court reporter.

Proposal to Deny Hearing-Jermil Johnson

The hearing went on record at 11:00 a.m.

Ms. Heeney introduced that this was a proposal to deny hearing for Jermil Johnson for not meeting the licensure requirements as set forth in *Del. C. 5107(a)(6)*. Ms. Heeney also marked as Board Exhibit 1 a packet of documents including: the application for licensure, a letter from Mr. Johnson's attorney, copy of criminal record from the State Bureau of Investigations, the Proposal to Deny notice and copy of that certified letter marked "unclaimed" by the USPS, an email from Mr. Johnson requesting a hearing, the hearing notice and USPS green card.

The Board members were introduced.

Mr. Johnson was sworn in and agreed to proceed without legal counsel.

Mr. Johnson testified that in 2004 he was in school at Delaware State University and was on probation and got in a situation where he was in the wrong place at the wrong time. When the police searched his mothers' residence a box of ammunition was found

and charges were brought against him. In 2005 he took a plea, quit school at Delaware State and went to American Beauty Academy where he completed a Barber program in 2009 and has been working there as a receptionist for the last two years. He would like to move forward with his life and get licensed as a Barber.

Mr. Johnson answered questions from the Board.

In closing, Mr. Johnson added that he had a reference letter from American Beauty Academy which was marked as Respondent Exhibit 1.

The hearing went off record and into deliberations.

The hearing went back on record at 11:10 a.m.

A motion was made by Ms. Lord, seconded by Ms. Le, to approve the examination application of Jermil Johnson. The motion was unanimously carried.

The hearing went off record at 11:13 a.m.

Verbatim testimony was taken by a court reporter.

Signing Decision and Order

The Board signed the Decision and Order for Christopher Lane.

NEW BUSINESS

Mr. Collins addressed the Board briefly on the status of the Cosmetology Inspector. He stated that the direction being taken is that the Inspector will be an Investigator with investigative or police background, and interviewing will begin within the next several weeks. In addition, the Division of Professional Regulation will be working with the DAG and the Board President to draft a letter to all licensees advising them that there will be an inspector that will be coming into all of the salons.

Ratification of Applications

A motion was made by Ms. Lord, seconded by Ms. Le, to approve the ratified Cosmetologist applications of Roi Barnard and Sarah Rice and the Nail Technician applications of Boa Nguyen and Binh Ngo. The motion was unanimously carried.

Review of Reciprocity Applications

A motion was made by Ms. Lord, seconded by Ms. Jones, to amend the agenda to add Dianne Imhof as 4.2.21. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Guilbert, to approve the Cosmetologist applications of Lorraine Kennedy, Georgia Melton, Agnes Marcano, Peter Ciliberto, Vonnie Mills, Lisa Stuehrenberg, Dianna Imhof, Tiffany Mills, Jill Volko, Genevieve Molettieri, Judith Wenger Herr, Donna Leard, and Barbara Mattox, the

Aesthetician applications of Sheila Glenton and Elisabeth Trujillo, the Nail Technician applications of Sheila Glenton, Lesslee Belmore and Dien Tran, and the Barber applications of Earl Brown and Diego Rivera. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Guilbert, to propose to deny the Cosmetologist application of Shannon Biggers for not meeting the reciprocity requirements for licensure. The motion was unanimously carried.

Review of Salon/School Applications

A motion was made by Ms. Jones, seconded by Ms. Guilbert to approve the salon applications of Jones' Hair Salon, Boire's Hair Design, Spa at Montchanin Village, Babe Styling Studio, Michelle Nails, Top Nails 3, All About Hair, Beach Waves a Family Salon, Crystal Nails, Tip Top Nails and Spa, Tivoli Hair Studio, Unique Styles & Design, The Edge of Creation, Elegant Nails of New Castle, Inc., Wendy's Beauty Salon, JP's Styling Salon, Glam-R-Us Hair Designs, Dineen's Hair Studio, Smart Style #1954, Body Mind & Soul Salon, and High Maintenance by Dana. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Wilson, to approve the salon applications of Paula's Hair Studio, LLC., Snip Hair, LLC., Victorian Springs Country Spa, Maddison Avenue Salon, Regal Nail, Justyce Barber & Beauty Salon, Inc., Shear Destiny Hair Salon, Kimberly Hair Creations and Endless Summer Salon & Tan. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Wilson, to approve the salon application of Shelly Do's contingent upon receipt of update floor plan. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Boulden, to table the salon application of Pryme Styles and Cuts Unisex Salon for compliance of Consent Agreement. The motion was unanimously carried.

The Board tabled the salon application of Le' Nails for an updated floor plan reflecting no waxing room and a letter stating that no waxing services will be performed on the premises or verification that there is a licensed Aesthetician in the salon.

The Board tabled the salon application of Lady P's Hair Designs for an updated Business License from the Division of Revenue reflecting the same address as the application.

Review of Reinstatement Application

A motion was made by Ms. Jones, seconded by Ms. Guilbert, to approve the Cosmetologist reinstatement application of Gina Cozza. The motion was unanimously carried.

Applications for Review by Eileen Heeney

After review, a motion was made by Ms. Lord, seconded by Ms. Jones, to approve the Cosmetology Instructor application of Thelma King, the Barber application of George

Sample, Jr., and the Cosmetologist Apprentice application of Krista Myers. The motion was unanimously carried.

After review, a motion was made by Ms. Lord, seconded by Ms. Naftzinger, to propose to deny the Cosmetologist reinstatement application of Susan Drummond. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Naftzinger, to propose to deny the Cosmetology reciprocity application of Susan Cooper-Gill for not meeting the licensure requirements for reciprocity. The motion was unanimously carried.

Review and Deliberation of Hearing Officer's Recommendation to the Board

After review, a motion was made by Ms. Le, seconded by Ms. Boulden, to approve the recommendations of the Hearing Officer regarding the disciplinary hearing of Lateasa White. The motion was unanimously carried.

Prior to the Boards review Richard Abbott, attorney for Randall Richardson, asked to make a comment on the Hearing Officer's recommendations to the Board.

Ms. Heeney advised Mr. Abbott that the findings of fact are binding upon the Board and no further argument would be accepted. She stated that this is her legal recommendation to the Board President. Ms. Lord, the Board President agreed.

After review, a motion was made by Ms. Lord, seconded by Ms. Naftzinger, to approve the recommendations of the Hearing Officer regarding the disciplinary hearing of Randall Richardson. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Jones, to table the review and deliberation of the Hearing Officer's recommendations of Dung Si Chenh, James White, Teresa Masarone and Deborah Riddick until the October 31, 2011 meeting. The motion was unanimously carried.

Review of Consent Orders

After review, a motion was made by Ms. Lord, seconded by Ms. Aurand, to approve the Consent Agreement of Christine Hopkins as written.

Complaint Status

08-55-08-Assigned to Hearing Officer
08-03-09-Assigned to Hearing Officer
08-22-09-Closed
08-04-10-Office of the Attorney General
08-06-10-Closed
08-07-10-Closed
08-08-10-Assigned to Hearing Officer
08-10-10-Assigned
08-13-10-Office of the Attorney General

08-14-10-Closed
08-16-10-Assigned
08-18-10-Assigned
08-19-10-Assigned
08-21-10-Assigned
08-24-10-Closed
08-27-10-Closed
08-28-10-Assigned
08-29-10-Assigned
08-31-10-Assigned
08-33-10-Assigned to Hearing Officer
08-36-10-Assigned
08-37-10-Assigned
08-38-10-Office of the Attorney General
08-39-10-Assigned
08-40-10-Closed
08-43-10-Closed
08-44-10-Assigned to Hearing Officer
08-02-11-Assigned
08-03-11-Office of the Attorney General
08-04-11-Assigned
08-05-11-Assigned to Hearing Officer
08-06-11-Office of the Attorney General
08-07-11-Closed
08-08-11-Assigned
08-09-11-Assigned
08-10-11-Office of the Attorney General
08-11-11-Closed
08-12-11-Assigned
08-14-11-Assigned
08-15-11-Office of the Attorney General
08-16-11-Assigned
08-17-11-Assigned
08-18-11-Office of the Attorney General
08-19-11-Assigned
08-20-11-Office of the Attorney General
08-21-11-Assigned
08-22-11-Closed
08-23-11-Office of the Attorney General
08-24-11-Office of the Attorney General
08-25-11-Office of the Attorney General
08-26-11-Assigned
08-27-11-Assigned

Discussion of Possible Revisions to the Statute

A motion was made by Ms. Lord, seconded by Ms. Reid, to table this discussion until the October 31, 2011 meeting. The motion was unanimously carried.

Discussion of Legislative Session Memo

Director Collins is requesting drafts of any legislative initiatives be received by November 16, 2011 for the upcoming January 2012 legislative session. Further discussion on this topic will come next month.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS BEFORE THE BOARD

Ms. Witte welcomed two new members to the Board: Lisa Aurand, a licensed Cosmetologist and Hillary Reid, a licensed Aesthetician.

PUBLIC COMMENT

Clarence Pearsall addressed the Board in reference to the rule change allowing licensed Cosmetology instructors to complete a 35-hour shaving course to add Barber Instructor to their license. He feels that this is not fair to the licensed Barber Instructors who do not have a similar option to add Cosmetology Instructor to their licenses.

The Board advised Mr. Pearsall that this concern has been presented to the Board numerous times and that although the curriculums' for both Cosmetology and Barbering have similarities they are different.

The Board will address this concern further at the October 31, 2011 meeting.

NEXT SCHEDULED MEETING

The next Board meeting will be October 31, 2011 at 9:00 a.m. in Conference Room A.

ADJOURNMENT

A motion was made by Ms. Lord, seconded by Ms. Boulden, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 1:54 p.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist, II